

**REMARKS**

Applicants have studied the Office Action dated March 25, 2004. It is submitted that the application, as amended, is in condition for allowance. Claims 2-5, 7-13, 15-17, and 19-23 are pending. Claims 1, 6, 14, and 18 have been cancelled without prejudice or disclaimer. Claims 19-23 have been added. Reconsideration and allowance of the pending claims in view of the above amendments and the following remarks is respectfully requested.

In the Office Action, the Examiner:

- Rejected claims 1-3, 10 and 11 under 35 U.S.C. § 102(a) as being anticipated by Rusnak et al. (U.S. Patent No. 6,098,056);
- Rejected claims 6-9 and 14-18 under 35 U.S.C. § 103(a) as being unpatentable over Rusnak et al. (U.S. Patent No. 6,098,056) in view of Shear et al. (U.S. 2001/00442043); and
- Indicated Claims 4, 5, 12, and 13 are allowed.

**Allowable Subject Matter**

The Applicants wish to thank Examiner Nobahar for indicating claims 4, 5, 12, and 13 are allowed. Although the Applicants respectfully disagree with the Examiner's rejection of claims 1-3, 6-9, 10, 11, and 14-18, the Applicants have elected to cancel independent claims 1, 6, 14, 18 and amend claim 10 solely for the purpose of expediting the patent application process in a manner consistent with PTO's Patent Business Goals (PBG), 65 Fed. Reg. 54603 (September 8, 2000).

To advance prosecution, Applicants have cancelled claims 1, 6, 14, 18 without prejudice or disclaimer. Applicants expressly reserve the right to file a divisional application with respect to these claims at a later date.

Further claims 2, 3, 5, 7-9, 10, 11, 13, and 15-17 depend from allowable independent claims 4 and 12, respectively. Since dependent claims contain all the limitations of the independent claims, claims 2, 3, 5, 7-9, 10, 11, 13, and 15-17 should be allowable as

well, which allowance is respectfully requested.

Finally, claims 19-23 have been added. Independent claim recites limitation in an apparatus format analogous to the limitation in allowable independent method claim 4. Accordingly, the Applicants respectfully submit that newly added independent claim 19 should be allowable as well which allowance is respectfully requested. Claims 20-24, depend from independent claim 19. Since dependent claims contain all the limitations of the independent claims, claims 20-23 should be allowable as well, which allowance is respectfully requested.

### **CONCLUSION**

The remaining cited references have been reviewed and are not believed to affect the patentability of the claims as amended.

In this Response, Applicants have amended certain claims. In light of the Office Action, Applicants believe these amendments serve a useful clarification purpose, and are desirable for clarification purposes, independent of patentability. Accordingly, Applicants respectfully submit that the claim amendments do not limit the range of any permissible equivalents.

Applicants acknowledge the continuing duty of candor and good faith to disclosure of information known to be material to the examination of this application. In accordance with 37 CFR §1.56, all such information is dutifully made of record. The foreseeable equivalents of any territory surrendered by amendment are limited to the territory taught by the information of record. No other territory afforded by the doctrine of equivalents is knowingly surrendered and everything else is unforeseeable at the time of this amendment by the Applicants and their attorneys.

Applicants respectfully submit that all of the grounds for rejection stated in the Examiner's Office Action have been overcome, and that all claims in the application are allowable. No new matter has been added. It is believed that the application is now in

condition for allowance, which allowance is respectfully requested.

**PLEASE CALL** the undersigned if that would expedite the prosecution of this application.

Respectfully submitted,

Date: June 27, 2005

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